

- Vehicular access points should be minimized along Georgia Avenue to reduce pedestrian/auto conflicts.
- Attractive landscaped open spaces and streetscaping should be provided, including a sidewalk separated from the curb with a tree panel.
- Parking and/or garage access should be oriented to the rear of the buildings and sufficiently screened from adjoining properties.

The District Council agrees with the Technical Staff's conclusion that the current schematic development plan is consistent with all of these Master Plan objectives.

The District Council also finds that the impact on public facilities from this project would be minimal. Under the 2003-05 AGP Policy Element, as of July 1, 2004 subdivision applications are subject to Local Area Transportation Review ("LATR") requirements. The total peak hour trips generated from the entire development would be 14 in the morning and 22 in the evening, well below the 30-trip threshold that triggers LATR Review. This represents a net increase in peak hour trips of 9 in the morning and 17 in the evening over traffic produced by the existing homes. Based on their review, Transportation Planning Staff concluded "that the trip generations are low and [that] impact on intersections in the vicinity of the site will be minimal." They also noted that the site will gain two access points from Noyes Drive, and determined that their location at the mid-point of the site's frontage along Noyes Drive would maximize the safety of the vehicular and pedestrian movements. Transportation Planning Staff concluded that there will be adequate sidewalks along Georgia Avenue, Noyes Drive, and First Avenue.

Water and sewer lines abut the subject property, and Technical Staff determined that there will be negligible impact from the requested rezoning. The Water and Sewer Service categories are W-1 and S-1, respectively, and local service is deemed adequate. The Applicant's written engineering report indicates that electric, telephone, gas and cable television are all available adjacent to the property.

The impact of this project was estimated by Montgomery County Public Schools to be approximately 8 elementary, 4 middle, and 5 high school students. The subject property is located within

the Woodlin Elementary and Sligo Middle School service areas. Both Woodlin Elementary School and Sligo Middle are projected to be operating within capacity for the six year forecast period.

At the high school level, the property is "within the base area for Albert Einstein High School, and part of the Downcounty High Schools Consortium area." Although the local high school experiences some overcrowding and is expected to do so for the next several years, the County Council made the judgment in the current AGP Policy Element that adequate school capacity exists in the planning area. Capacity will be adequate, as well, under the new AGP schools test effective July 1, 2004, assuming the requested fiscal year 2005-2010 Capital Improvements Program is fully funded. Moreover, the 26 dwelling units proposed here are expected to generate only five high school students. Under these circumstances, the minimal evidence of possible school overcrowding is not sufficient to warrant denial of the application.

In sum, school capacity will be adequate, and the small amount of traffic generated by the development would be ameliorated by the traffic calming and safety measures sought by Applicant and their neighbors. No evidence was presented to suggest that the proposed development would have any adverse effect on utilities or other public services. Thus, the District Council finds that the proposal would be in the public interest because it is consistent with the applicable Master Plan and has little adverse impact on public facilities.

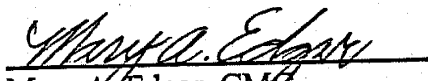
Based on the foregoing analysis, and after a thorough review of the entire record, the District Council concludes that the application satisfies the requirements of the purpose clause; that the application proposes a form of development that would be compatible with existing and planned land uses in the surrounding area; and that the requested reclassification to the R-T 12.5 Zone bears sufficient relationship to the public interest to justify its approval. For these reasons and because approval of the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

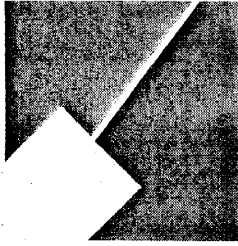
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-817, requesting reclassification from the R-60 Zone to the R-T 12.5 Zone of 2.7 acres of land known as Parts of Lots 1 - 4, Block 4, and Parts of Lots 7-11, Block 3, in the Woodside Subdivision (13th Election District), and located at 9012, 9008 & 9006 Georgia Avenue and 1403 Noyes Drive in Silver Spring, is hereby approved in the amount requested, subject to the specifications and requirements of the revised Schematic Development Plan, Exhibit 62(d); provided, however, that within 10 days of receipt of the District Council's approval resolution, the Applicant must submit a reproducible original and three copies of the approved Schematic Development Plan, Exhibit 62(d), for certification by the hearing examiner under the provisions of §59-D-1.64.

This is a correct copy of Council action.


Mary A. Edgar, CMC
Clerk of the Council

APPENDIX B



November 23, 2005

MEMORANDUM

TO: Robert Kronenberg, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Saj*
Transportation Planning

SUBJECT: Site Plan # 8-06003
Woodside Courts
North & West Silver Spring Master Plan

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject application for the proposed Woodside Courts residential development on Georgia Avenue in North Silver Spring.

RECOMMENDATION

Transportation Planning staff recommends approval of the above referenced site plan with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

Limit the site plan to 23 town homes and three single-family residences.

Extend the center median on southbound Georgia Avenue towards Noyes Drive and provide a marked pedestrian crosswalk with pedestrian refuge if approved by Maryland State Highway Administration (SHA).

DISCUSSION

Site Location, Access, Circulation, and Parking

The site is located on the western side of Georgia Avenue (US 29) north of Noyes Drive. The proposed development includes 23 town homes and three single-family residences. Access for the proposed development is via Noyes Drive between Georgia Avenue to the east and First Street to the west. All parking for the development will be provided on site. Internal site circulation is provided via private streets serving individual garages and fifteen surface parking spaces.

Local Area Transportation Review

The development is not anticipated to generate more than 30 peak hour trips and is therefore not required to submit a traffic study in order to satisfy the requirements of LATR. No significant impact to the adjacent transportation infrastructure is anticipated as a result of this development.

Master Plan Roadways and Bikeways

Georgia Avenue (MD 97) is classified as a major highway of 120 feet right-of-way width. In the vicinity of the site, Georgia Avenue has six travel lanes divided by a center median. Noyes Drive is a residential street of 60 feet of right-of-way. First Street is a residential street of 60 feet of right-of-way. There are no planned or signed bicycle facilities within the vicinity of the proposed development.

Pedestrian Access

On-site observations indicate that several neighborhood residents and visitors cross Georgia Avenue at Noyes Drive to attend services at a local faith institution. To facilitate crossing at this location, the development will lengthen the center median and install a marked pedestrian crosswalk at the intersection of Noyes Drive with Georgia Avenue, with the support of the SHA. The existing sidewalks along Georgia Avenue will be reconstructed and integrated into the development as The Americans for Disabilities Act compliant pedestrian paths within and across the site.

SAJ:gw

mno to Kronenberg re Woodside Courts



FIRE MARSHAL COMMENTS

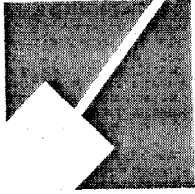
DATE: 2-14-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ *WOODSIDE COURTS*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 2-14-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Please note : Plan approved based on Fire code modification M-2006-227.

cc: Department of Permitting Services




**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Development Review
Robert Kronenberg, Development Review

FROM: Stephen D. Federline, AICP 
CountyWide Environmental Planning

DATE: January 10, 2006

SUBJECT: Preliminary Plan #120050410 and Site Plan # 820060030:
WOODSIDE COURTS

The Environmental Planning staff recommends approval of site plan 8-05032 with the following conditions:

1. The proposed development shall comply with all conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Approval includes compliance with all ISA certified arborist's recommendations and details in TPO (Tree Preservation) plans dated 10/20/2005.
2. Compliance with all exterior and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "Traffic Noise Analysis - Woodside Courts" from Phoenix Noise and Vibration, LLC dated 2/24/2005.
 - a) Certification from an acoustical engineer that the building shell for residential dwelling units will be constructed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification shall be provided to M-NCPPC Environmental Planning staff for concurrence prior to issuance of building permits.
 - b) The builder shall provide a signed commitment to construct the impacted units in accord with the acoustical design specifications required above. Any changes to the building shell construction that may affect acoustical performance must be approved in writing by an acoustical engineer and copy to MNCPPC staff prior to implementation.

Background

The Woodside Courts property property, a 2.7-acre site, is located on the west side of Georgia Avenue on either side of Noyes Drive in Silver Spring. It contains existing dwellings with 0.34 acres of forest , and 22 trees of 24" diameter or greater throughout and just off the site, with nine of specimen size (30" or greater). Previous approvals have focused on protection of certain specimen trees of community significance found at strategic locations around the site. Indeed, the site has been designed to maximize the level of protection afforded to these special trees.

Forest Conservation/Tree Preservation

All existing forest on the property on the property will be lost, given the high density development. Based on this loss of existing forest, 0.75 acres of forestation will be required offsite. The applicant has proposed use of fee-in-lieu, which has recently been changed to \$0.90/square foot, or \$32,670 for this site. Alternatively, staff will accept off site planting or use of available forest banks.

Trees on the subject property have been evaluated by an ISA certified arborist for size, health, impact, and potential for save (see "Tree Preservation Plan" dated 10/20/05). The site design has been massaged to a great degree to allow preservation of select specimen trees of community significance (Tree #44: 43" tulip poplar along Georgia Avenue; tree #71: 33" horse chestnut at the southwest corner of Noyes Drive and Georgia Avenue; and tree #68: 34" silver maple, in front of the Liberatore house south of Noyes). In addition, trees on adjoining lots have been examined for impact, and preservation measures established for implementation per the Tree Preservation Plan.

Noise

The residential units on the subject property will be impacted by vehicle noise up to 72 dBA Ldn for the first line of units along Georgia Avenue. The applicant prepared vehicle noise analysis entitled "Traffic Noise Analysis – Woodside Courts" from Phoenix Noise and Vibration, LLC dated 2/24/2005 to address vehicle noise. The noise standard for exterior noise is 65 dBA Ldn. Therefore, both exterior and interior noise mitigation is recommended to provide quieter backyard spaces and acceptable interior noise levels. Wing walls are proposed for units on Lots #26 and 58. Additionally, staff recommends a barrier along the outside wall of Lot # 27. The noise attenuation barriers will create a quieter rear yard space for the future occupants.

In order for the residential units to achieve an interior noise level of 45 dBA Ldn the applicant will have to incorporate acoustical treatments into the design and construction of the buildings. The acoustical consultant will need to provide detailed review of the proposed building shell to determine if it will meet specific acoustical design specifications. The builder must construct in accord with those specifications, or receive written approval from the consultant for any changes that may affect acoustical performance.



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

MEMORANDUM

TO: Mr. Steven Foster, Chief
Engineering Access Permits Division

ATTN: Mr. Ray Burns, Area Engineer
Engineering Access Permits Division

FROM: *for* Lee Starkloff *David J. Zache*
Assistant District Engineer for Traffic
Montgomery County

DATE: October 19, 2005

SUBJECT: MD 97 (Georgia Avenue) at Noyes Drive
Montgomery County
File No. 8-06003

Thank you for the opportunity to review the Woodside Courts Site, Landscape and Lighting Plan received in early August 2005. The State Highway Administration (SHA) has coordinated safety enhancements, including the marked crosswalk at this location with the congregants of the Orthodox Synagogue located on the northeast quadrant of the intersection.

A background of those improvements are as follows:

- In March of 2002, we were contacted by a congregant, Mr. Chanoch Kanovsky, of the Ahavas Torah Orthodox Synagogue to evaluate pedestrian safety. Our study at that time revealed a significant number of congregants of the Synagogue walk to Shabbat services on Friday nights and Saturday mornings. At that time, we proceeded to mark a pedestrian crossing across MD 97 and install advance pedestrian crossing signs.
- In October of 2003, the Third District Police conducted an enforcement event at the crosswalk that issued tickets and warnings to drivers to raise awareness of the State Law to Stop for Pedestrians at all crosswalks. We continually monitored the situation and suggested in-roadway lights, a new technology for crossing of the congregants. With appreciation of our continued efforts, the congregation constituent declined because the orthodox congregants cannot operate or activate any mechanical device on the Sabbath.

Our toll-free number is: 1.800.749.0737

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 9300 Kenilworth Avenue • Greenbelt, Maryland 20770 • Phone: 301.513.7300 • www.marylandroads.com

Mr. Steven Foster
October 19, 2005
Page Two

- This past year we completed a work order to install the legend, "PED X-ING" in each of the approaching lanes and re-hatch the crossing. In addition, a citizen has contacted the SHA Landscape division to jointly install an aesthetic median planting with the community at the crossing. At this time, we believe the community is scheduled to conduct the planting in the Fall 2005.

The additional left turns to and from the proposed development may occupy the same portion of the median break. These movements may possibly conflict with one another and / or obstruct one another from an adequate line of sight of oncoming traffic. The intersection will continue to be monitored to see if the addition of left turns would result in a crash pattern.

At this time, we have the following comments on the site plan (*please see attached mark-up*):

- Illustrate the existing crosswalk and curb ramps at the intersection.
- Please modify the reference of two lanes of travel to three.
- Provide a marked crosswalk across the west leg of Noyes Drive. All curb ramps should be installed with a detectable warning surface.
- Provide dual accessible curb ramps on the northwest corner of MD 97 and Noyes Drive to facilitate the crossing of MD 97.
- Provide a connection on the northwest quadrant to incorporate the existing bus stop.
- Provide a concrete median refuge area by extending the median nose through the crosswalk. The median should account for left turning radii from Noyes Drive on the west leg and left turns from the mainline.
- The refuge area should be coordinated with the proposed median planting proposed by the community.

Mr. Steven Foster
October 19, 2005
Page Three

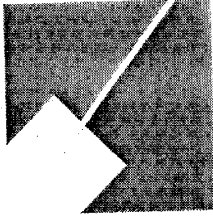
Should you have any questions or comments pertaining to the contents of this review, please do not hesitate to call me or Ms. Stephanie Yanovitz at 301-513-7359.

LS:DZ:SAY:rjs

Attachment: Marked-up plan

cc: Mr. John Borkowski, Engineering Access Permits
Ms. Cathy Conlon, Acting Supervisor Development Review Subdivision Division,
Maryland National Capital Park and Planning Commission 8787 Georgia Avenue,
Silver Spring MD 20910-3760
Mr. Darrell Mobley, Assistant District Engineer, Engineering Systems Support Team
Mr. Augustine Rebish, District 3 Utilities
Mr. Richard Weaver, Maryland National Capital Park and Planning Commission, 8787
Georgia Avenue, Silver Spring MD 20910-3760

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date: January 11, 2006

Noyes Lane LLC
c/o GTM Architects
7735 Old Georgetown Road
Suite 700
Bethesda, Md. 20814

Re: Final Forest Conservation Plan: "WOODSIDE COURTS"
Plan Numbers: #1-05061/#8-06003
Tract size/Zone/total plan area: 2.7 acres/ RT-12.5/2.7 acres

Dear Applicant:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan mentioned above is approved. The Final Forest Conservation Plan consists of the loss of 0.34 acres of forest (i.e., all the existing forest) on the site, and a planting requirement of 0.75 acres. The following items will need to be addressed prior to issuance of building permit:

- 1) Prior to plat recordation, provide documentation for use of approved forest bank (1), use of fee-in-lieu, or identify location of offsite forestation.
- 2) Offsite forestation must be protected by a forest conservation (category I) easement, and onsite trees protected by tree save (category II) conservation easement, or other legally acceptable permanent protection mechanism.
- 3) Prior to building permit release, submit financial security to M-NCPPC for offsite forest planting and maintenance, or payment of fee-in-lieu.
- 4) Maintenance and management agreement must be approved by M-NCPPC staff prior to first inspection of planted areas.
- 5) Required site inspections by M-NCPPC monitoring staff (as specified in Section 110 of the Forest Conservation Regulations). All specifications of the Tree Preservation Plan shall be followed, unless revised in writing by an ISA certified Arborist and MNCPPC Inspector.

1 A Certificate of Compliance for meeting off-site reforestation requirements through a forest mitigation bank must be finalized.

This letter must appear on all reproduced copies of the approved Final Forest Conservation Plan. Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. Prior to any subsequent additions or modifications for this development, a separate amendment must be submitted to M-NCPPC for review and approval. If you have any questions regarding these actions, please feel free to contact Steve Federline at 301-495-4550.

Sincerely,

Stephen Federline, Supervisor
Environmental Planning
Countywide Planning

Cc: FCP File /#8-06003 (#1-05061)

APPENDIX C



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan
County Executive

Elizabeth B Davison
Director

February 23, 2006

Ms. Rose G. Krasnow
Chief, Development Review Division
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Ms. Krasnow:

This letter is in response to your request for an opinion from DHCA on the merits of the MPDU waiver request from the developers of Woodside Courts, a 26-unit development on Georgia Avenue. You ask for the opinion of DHCA in accordance with Chapter 25-A which requires the Planning Board or Permitting Services to consult with DHCA prior to making a determination on whether the circumstances warrant a full or partial waiver of the MPDU requirement.

I have reviewed the applicant's letter requesting a waiver as well as the District Council findings of October 12, 2004, and your email request which states the staff opinion. In reviewing these documents, I find one of the applicant's arguments not to have merit but do find the other to have considerable merit. The applicant makes two arguments: first, when they went through the rezoning on the property, the minimum size of development was 35 units to trigger an MPDU requirement, and their development was under that limit. They argue that because the law was revised downward to a 20-unit trigger, that they should not be subject to the new requirement. I do not find that this argument has merit, since the MPDU requirement is set by the Planning Board during the site plan review.

The applicant's second argument is that the MPDU requirement should be waived due to their inability to achieve the full density of the zone (RT-12.5) which has a maximum density of 12.5 units per acre, due to the binding elements Zoning Resolution, which resulted from input from the Community and the People's Council. I find that this argument has considerable merit. If they had achieved full density on the 2.68 acre site, they would have been approved for 33.5 units. In reading the Binding Elements of the District Council's ruling it clearly says that only 26 units are allowed, three of them being existing homes, the maximum lot coverage being 25 percent instead of the allowed 35 percent and the green are at 60 percent instead of the required 50 percent. With those requirements, it seems clearly impossible that they would meet the maximum of the zone of 33.5 units.



Office of the Director

In considering the Planning staff's opinion that they did not ask for a density bonus on the site, I do not think that this line of reasoning holds much merit. At the time of the application for the zoning, a development of that size (even under the maximum allowed density) would be lower than the size that triggered an MPDU requirement at that time. To say after the law was changed that they didn't ask for more density to accommodate MPDU's that were not required at that time seems like circular reasoning. That line of reasoning might then require them to go back through the same process of rezoning now that the law has been changed to request higher density, which may or may not be approved. It seems that the circumstances regarding the site and its environs have not changed, which would suggest that the zoning would not change. For these reasons, I do not think the staff position has merit.

Turning to the issue of whether a waiver would be appropriate for some or all of the four MPDU units, I conclude that a waiver would be appropriate. The zoning ordinance says that in order to accommodate MPDU's, green space can be reduced, lot coverage increased and density increased. None of those have occurred, in fact all have moved in the opposite direction that what is allowed in the zoning ordinance to accommodate MPDU's. The density approved in the rezoning with 26 units on 2.68 acres is 9.7 units per acre, much lower than the 15.25 units per acre that can be granted if a development has MPDU's.

The issue of a full or partial waiver is another question. The minimum requirement for MPDU's is now 20 units. This development will add 23 units in addition to the three existing units. If they provided four MPDU's the market rate units would then be reduced to 19 units which is less than the 20 unit requirement. In the opinion of this department the developer should have all of the four units waived.

Sincerely,

Elizabeth B. Davison
Director

EBD:sns